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MCCARTHY TETRAULT LLP
BOX 48, SUITE 4700,
66WELLINGTON STREET WEST
TORONTO, ON M5K 1E6
CANADA

EXAMINER
PONIKIEWSKI, TOMASZ

ART UNIT	PAPER NUMBER
2165	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/743,324	APPS ET AL.
Office Action Summary	Examiner	Art Unit	
	Tomasz Ponikiewski	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *26 June 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *17-23,25-28,30-34 and 36-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *17-23, 25-28, 30-34 and 36-48* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
6/26/2007 has been entered.

2.   The Amendment filed on 6/26/2007 has been received and entered. Claims 17-
23, 25-28, 30-34 and 36-48 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 17-23, 25-28, 30-34, 36-38, and 41-48 are rejected under 35
U.S.C. 103(a) as being unpatentable over Thearling (US 6,240,411 B1) in view of
Wilkinson et al. (US 2002/0174182 A1) and further in view of Hollander (US 6,697,088).

As per claim 17 <u>Thearling</u> is directed to a data mining system for delivering

presentations associated with data mining models, said data mining system comprising:

a repository to store said data mining models, customer attributes (fig. 3, #30);

means to edit said data mining models, and said customer attributes (column 2,

lines 54-61; column 9, lines 60-67; column 10, lines 1-7; column 11, lines 12-14);

means to receive inputs from said customer system and to deliver said

presentation to said customer system (column 4, lines 42-48; column 5, lines 1-7);

<u>Thearling</u> does not teach wherein said inputs include a customer identification

and a presentation definition identification

<u>Wilkinson et al.</u> teaches wherein said inputs include a customer identification

(<u>Wilkinson et al.</u>, paragraph 0032, second column, lines 6-8; paragraph 0037, second

column, lines 10-11).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the <u>Thearling</u> by teachings of <u>Wilkinson et al.</u> to include

wherein said inputs include a customer identification and a presentation definition

identification because recording user information is well known in the art.

<u>Thearling</u> does not teach wherein said means to generate applies said data

mining model to said customer attribute to produce an outcome for display in said

presentation according to a format included in said presentation definition.

<u>Wilkinson et al.</u> teaches wherein said means to generate applies said data

mining model to said customer attribute to produce an outcome for display in said

presentation according to a format included in said presentation definition (Wilkinson et al., paragraph 0036, lines 24-29; paragraph 0039, lines 5-8; paragraph 0045, lines 10-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Wilkinson et al. to include said means to generate applies said data mining model to said customer attribute to produce an outcome for display in said presentation according to a format included in said presentation definition because using formatting makes reading of the results easier and more efficient (Wilkinson et al., paragraph 0025).

Thearling does not teach one or more rules.

Wilkinson et al. teaches one or more rules (Wilkinson et al.paragraph 0009, lines 19-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Wilkinson et al. to include one or more rules because using rules are well known in the art.

Thearling does not teach presentation definitions.

Hollander teaches presentation definitions (Hollander column 4, lines 63-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Hollander to include presentation definitions because the definitions could personalize the presentation to particular needs (Hollander, column 5, lines 1-3).

Thearling does not teach means to generate a presentation to deliver to a customer system; wherein said means to generate includes an analytic decision engine system including model presentation services and scoring services modules.

Hollander teaches means to generate a presentation to deliver to a customer system; wherein said means to generate includes an analytic decision engine system including model presentation services and scoring services modules (column 4, lines 63-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Hollander to include means to generate a presentation to deliver to a customer system; wherein said means to generate includes an analytic decision engine system including model presentation services and scoring services modules because the definitions could personalize the presentation to particular needs (Hollander, column 5, lines 1-3).

Thearling does not teach wherein said means to generate selects a presentation definition using said presentation definition identification and selects a customer attribute using said customer identification; wherein said presentation definition includes a reference to a data mining model.

Hollander teaches wherein said means to generate selects a presentation definition using said presentation definition identification and selects a customer attribute using said customer identification; wherein said presentation definition includes a reference to a data mining model (column 4, lines 41-43; column 4, lines 63-35)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Hollander to include means to generate a presentation to deliver to a customer system; wherein said means to generate selects a presentation definition using said presentation definition identification and selects a customer attribute using said customer identification; wherein said presentation definition includes a reference to a data mining model because using location identifiers is well known in the art.

Thearling does not teach presentation definition identification.

Hollander teaches presentation definition identification (Hollander column 4, lines 41-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Hollander to include presentation definition identification because using location identifiers is well known in the art.

As per claim 18 Thearling as modified is directed to wherein said data mining models include one or more of simple scores, complex scores, static scores, and dynamic scores, rules, rules sets, and rules systems (Wilkinson et al., paragraph 0024, lines 7-9; wherein the "logical rules" could encompass all recited limitations).

As per claim 19 Thearling as modified is directed to wherein said presentation definitions include defined sets of content including one or more of references to said

data mining models, scores, rules, said customer attributes, activity suggestions, to do

lists, pop-up windows, HTML segments, and XML scripts (Wilkinson et al., paragraph

0033, lines 9-12 wherein "time" could mean an "attribute").

As per claim 20 Thearling as modified is directed to wherein said presentations

include one or more of simple presentations, range based presentations, and complex

presentations (Wilkinson et al., paragraph, 0022; paragraph 0023, lines 11-14;

paragraph 0024, second column, lines 2-8).

As per claim 21 Thearling as modified is directed to wherein said repository is a

database having a database schema and a database management system (Wilkinson

et al., paragraph 0032, second column, lines 4-5).

As per claim 22 Thearling as modified is directed to wherein said means to edit

said data mining models, said presentation definitions, and said customer attributes

includes a data mining console system (Thearling; column 2, lines 54-61; column 9,

lines 60-67; column 10, lines 1-7; column 11, lines 12-14).

As per claim 23 Thearling as modified is directed to wherein said means to edit

said data mining models, said presentation definitions, and said customer attributes

includes one or more of text editors, scripting tools, web development tools, and HTML

editors (Thearling, column 1, lines 65-67, column 2, lines 1-11).

As per claim 25 <u>Thearling</u> as modified is directed to wherein said means to receive inputs from said customer system and to deliver said presentations to said customer system includes a network (<u>Wilkinson et al.,</u> paragraph 0032, second column, lines 14-15; paragraph 0032, second column, lines 30-34; paragraph 0040, lines 5-10).

As per claim 26 <u>Thearling</u> as modified is directed to wherein said customer system includes one or more data mining management consoles integrated with or connected over a network (<u>Wilkinson et al.,</u> paragraph 0031, line 5; paragraph 0046, line 9).

As per claim 27 <u>Thearling</u> as modified is directed to herein said customer system includes one or more applications running on a computer, system, or other appliance integrated with or connected over a network (<u>Wilkinson et al.,</u> figure 2B, number 238, 232; paragraph 0046).

As per claim 28 <u>Thearling</u> as modified is directed to wherein said customer system includes one or more thin or thick clients in a client-server or browser-server environment integrated with or connected over a network (<u>Wilkinson et al.,</u> paragraph 0046, line 9).

As per claim 30 <u>Thearling</u> as modified is directed to wherein said inputs include one or more of said customer attributes (<u>Wilkinson et al.,</u> paragraph 0032, second column, lines 6-8; paragraph 0037, second column, lines 10-11).

As per claim 31 <u>Thearling</u> as modified is directed to wherein said data mining system includes one or more reporting systems (<u>Wilkinson et al.,</u> paragraph 0021, page 3, lines 7-9).

As per claim 32 <u>Thearling</u> as modified is directed to wherein said reporting systems include one or more of outcome monitoring systems and presentation usage monitoring systems (<u>Wilkinson et al.,</u> paragraph 0021, page 3, lines 7-13).

As per claim 33 <u>Thearling</u> as modified is directed to wherein said reporting systems provide one or more of said inputs (<u>Wilkinson et al.,</u> paragraph 0021, page 3, lines 10-13; paragraph 0033, lines 14-21).

As per claim 34 <u>Thearling</u> as modified is directed to wherein said data mining system includes one or more of servers, memory devices, processing units, input devices, output devices, display devices (<u>Wilkinson et al.,</u> paragraph 0046).

As per claim 36 <u>Thearling</u> as modified is directed to wherein said network is an Internet network (<u>Wilkinson et al.,</u> paragraph 0046, line 9).

As per claim 37 <u>Thearling</u> is directed to a method for generating presentations of outcomes associated with data mining models for display on a display screen, comprising:

storing one or more data mining models; wherein the customer attributes are name-value pairs; wherein the data mining models generate scores based on one or more of the customer attributes; and, wherein the rules are for branching on one or more of the scores and the customer attributes to choose between outcomes (fig 3, #30; column 3, lines 65-67; column 8, lines 48-50; column 8, lines 34-43) ;

receiving a request for a presentation for an outcome, the request including a one or more of a customer identification and one or more customer attributes; and, wherein the customer identification is a key to one or more customer attributes stored in the repository (column 5, lines 9-38);

in response to the request, retrieving one or more of the customer attributes from the repository using the customer identification (column 8, lines 34-43);

generating one or more scores from the data mining models referenced by the presentation definition using one or more of the customer attributes provided by the request or retrieved from the repository (fig. 10b #100; column 9, lines 60-67; column 10, lines 1-7);

determining the outcome by applying one or more rules in the presentation definition to one or more of the scores and the customer attributes (column 2, lines 12-23); and,

Thearling does not teach formatting the presentation for the outcome for display on the display screen using the formatting information contained in the presentation definition.

Wilkinson et al. teaches formatting the presentation for the outcome for display on the display screen using the formatting information contained in the presentation definition (Wilkinson et al., paragraph 0036, lines 24-29; paragraph 0039, lines 5-8; paragraph 0045, lines 10-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Wilkinson et al. to include formatting the presentation for the outcome for display on the display screen using the formatting information contained in the presentation definition because using formatting makes reading of the results easier and more efficient (Wilkinson et al., paragraph 0025).

Thearling does not teach one or more references to customer attributes;

Wilkinson et al. teaches one or more references to customer attributes (Wilkinson et al., paragraph 0032, second column, lines 6-8; paragraph 0037, second column 10-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Wilkinson et al. to include one or more references to customer attributes because using and/or recording user information is well known in the art.

Thearling does not teach wherein the presentation definitions have respective

formatting information for formatting presentations of outcomes

Wilkinson et al. teaches wherein the presentation definitions have respective

formatting information for formatting presentations of outcomes (Wilkinson et al.,

paragraph 0036, lines 24-29; paragraph 0039, lines 5-8; paragraph 0045, lines 10-11).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Thearling by teachings of Wilkinson et al. to include

wherein the presentation definitions have respective formatting information for

formatting presentations of outcomes because using formatting makes reading of the

results easier and more efficient (Wilkinson et al., paragraph 0025).

Thearling does not teach one or more rules.

Wilkinson et al. teaches one or more rules (Wilkinson et al. paragraph 0009, lines

19-20).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Thearling by teachings of Wilkinson et al. to include

one or more rules because using rules are well known in the art.

Thearling does not teach presentation definitions.

Hollander teaches presentation definitions (Hollander, column 4, lines 63-65).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Thearling by teachings of Hollander to include

presentation definitions because the definitions could personalize the presentation to

particular needs (Hollander, column 5, lines 1-3).

Thearling does not teach retrieving a presentation definition from among the one or more presentation definitions using the presentation identification and

Hollander teaches retrieving a presentation definition from among the one or more presentation definitions using the presentation identification (Hollander, column 4, lines 41-43)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Thearling by teachings of Hollander to include retrieving a presentation definition from among the one or more presentation definitions using the presentation identification because retrieving definitions is well known in the art.

As per claim 38 Thearling as modified is directed to wherein the data mining models are one or more of a logistic regression, a decision tree, a neural network, a Bayesian network, a linear regression, a cluster model, a K-Means cluster model, an expectation maximizing cluster model, and an association rule (Thearling; column 8, lines 19-23).

As per claim 41 Thearling as modified is directed to further comprising importing the data mining models and presentation definitions into the repository (Thearling; fig. 6, #62; fig 6, #64) .

As per claim 42 <u>Thearling</u> as modified is directed to further comprising receiving updated data mining models and updated presentation definitions to replace the data mining models and presentation definitions in the repository (<u>Thearling</u>; fig. 2; fig. 9, #92).

As per claim 43 <u>Thearling</u> as modified is directed to further comprising receiving the one or more rules for the presentation definition (<u>Thearling</u>; column 8, lines 34-43).

As per claim 44 <u>Thearling</u> as modified is directed to wherein the scores are one or more of simple scores, complex scores, static scores, and dynamic scores (<u>Wilkinson et al.,</u> paragraph 0024, lines 7-9; wherein the "logical rules" could encompass all recited limitations).

As per claim 45 <u>Thearling</u> as modified is directed to herein the outcomes provide one or more of defined sets of content, data mining model scores, activity suggestions, to-do lists, pop-up windows, HTML segments, extensible markup language (XML) scripts, and sets of computer instructions (<u>Wilkinson et al.,</u> paragraph 0033, lines 9-12 wherein "time" could mean an "attribute").

As per claim 46 <u>Thearling</u> as modified is directed to herein the outcomes are one or more of simple messages, range based messages, and complex messages

(Wilkinson et al., paragraph, 0022; paragraph 0023, lines 11-14; paragraph 0024,

second column, lines 2-8).

As per claim 47 Thearling as modified is directed to wherein the request is

received over a network (Wilkinson et al., paragraph 0032, second column, lines 14-15;

paragraph 0032, second column, lines 30-34; paragraph 0040, lines 5-10).

As per claim 48 Thearling as modified is directed to wherein the network is an

Internet network (Wilkinson et al., paragraph 0046, line 9).

5.   Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Thearling (US 6,240,411 B1) in view of Wilkinson et al. (US 2002/0174182 A1) and

further is view of Tuzhilin (US 6,236,978 B1).

     As per claim 39 Thearling as modified still does not teach wherein the customer

attributes are one or more of age information and sex information.

     Tuzhilin teaches wherein the customer attributes are one or more of age

information and sex information (Tuzhilin; column 3, lines 43-45).

     It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Thearling as modified by teachings of Tuzhilin to

include the customer attributes are one or more of age information and sex information

because recording and using user information is well known in the art.

6.   Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Thearling (US 6,240,411 B1) in view of Wilkinson et al. (US 2002/0174182 A1) and

further in view of Hollander (US 6,697,088) and further is view of Johnson (US

2001/0037346 A1).

As per claim 40 Thearling as modified still does not teach wherein the formatting

information is markup language formatting information.

Johnson teaches the formatting information is markup language formatting

information (Johnson; paragraph 0026, lines 13-17).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Thearling as modified by teachings of Johnson to

include the formatting information is markup language formatting information because

using markup languages is useful way to tag data (Johnson; paragraph 0026, lines 13-

14).

Response to Arguments

7.   Applicant's arguments with respect to claims 17-23, 25-28, 30-34 and 36-48 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski
September 4, 2007

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100